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THE CONDOR

A Magazine of
Western Ornithology

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J. GRINNELL, Editor

HARRY S. SWARTH, Associate Editor

J. EUGENE LAW

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EDITORIAL NOTES AND NEWS

The lateness of the present issue is due to the necessity of carrying on the editorial functions of proof-reading, etc., from the field. A certain corner of Mono County, California, by the way very interesting ornithologically, is some six days distant by mail from San Jose, in the same state, where *THE CONDOR* is printed.

The National Association of Fish and Game Commissioners met in San Francisco early in September, with several Cooper Club men interested in game conservation taking prominent part. The educational method of enforcing game-laws, a policy recently adopted by the California Commission, was the theme of the paper spoken of as the most important one of the session. Much of the success of the convention was due to the energetic efforts of Mr. Ernest Schaeffle, Secretary of the California Fish and Game Commission.

The magazine *Blue-bird*, published by Dr. Eugene Swope, at Cincinnati, Ohio, is running a series of very creditable colored plates of birds' eggs, evidently reproduced from autochrome photographs. Further possibi-

ties in this line are thereby suggested, so that with perfecting of methods, especially as to the speed of autochrome plates, we may expect before long color-photos of living birds.

As noted on page 212, the Cooper Club's list of Honorary members has been increased by the addition of the name of Henry W. Henshaw, now Chief of the Bureau of Biological Survey, and at one time active as a field ornithologist in many parts of the west. It will be noted that the small number of elections to this class of membership denotes special distinction,—a sort of emeritus recognition of creditable work in western ornithology in earlier days when workers were few and the stimulus of fellowship perhaps less in evidence than now as a spur to effort.

The Northern Division of the Cooper Ornithological Club was addressed at its September meeting in Berkeley by Dr. William T. Hornaday, who spoke on the question: "Shall we increase our big game on a food-supply basis?"

Ewen S. Cameron, well known for his many excellent articles on Montana bird-life, died on May 25, 1915, at Pasadena, California. Cameron was born in Scotland, December 19, 1854, and latterly carried on the business of cattle-ranching for many years in the vicinity of Marsh, Montana. While thus interested, all his spare time was devoted to ornithology, in which pursuit his wife aided through her successful work with the camera. Scores of articles under the authorship of "E. S. Cameron", creditably describing different phases of the bird-life of Montana and Dakota, have appeared in various magazines, notably *The Ibis*, *The Auk*, *Recreation*, *Country Life*, and *Field* (English).

COMMUNICATIONS

FAIR PLAY FOR THE COLLECTOR: AN OPEN LETTER

Dr. Harold C. Bryant,

Game Expert, in Charge Education, Publicity and Research, State Fish and Game Commission, Berkeley, California;

My dear Sir:

It is with great pleasure that I learn of your advancement in the service of the California Fish and Game Commission; and I am informed that your new duties will include that of issuing permits to scientific collectors. You are to be congratulated upon these new honors, so well deserved; and we who collect congratulate ourselves upon having to deal with a man of broad and well-balanced sympathies, as well as of scientific training and field experience.

Your working chief, Mr. Ernest Schaeffle, was so good as to propose that I offer you a few suggestions regarding the execution of these new duties; and you will receive in good part, I am sure, from so sincere a well-

wisher as myself, a little counsel regarding a difficult task, as well as a friendly plea on behalf of a long-suffering and somewhat neglected race, viz., the scientific collectors. I shall not presume to speak of all collectors, either. The collector of birds, the "skin-man", has legitimate aims and as good a license as any; but he is quite able to speak for himself. All I know is that a dead bird sings no songs and lays no eggs; whereas a hen deprived of her egg presently lays another and cackles as merrily as before. I belong to that humble class which finds in the collecting of birds' nests and eggs a solace and inspiration elsewhere denied; and I suppose I may speak for the oölogical fraternity with some degree of confidence.

In exercising the authority conferred upon you by Section 637e of our political code, you will wish to adjudicate fairly between the paramount interests of conservation and the desires of the collector. You will, doubtless, wish to deal frankly and liberally with the scientist in order that he may feel encouraged in his pursuit of knowledge, instead of finding himself an object of suspicion, hindered and repressed. Lastly, you will wish to be impartial in all your dealings, and to place all collectors upon an equal footing, as is becoming in a democracy.

To treat these matters in reverse order, and to speak of equal dealing first: The language of Section 637e gives you great discretion as to what constitutes proper credentials; but it is manifest that a standard once adopted should apply impartially to all applicants. It would be as unlawful as it would be unfair, for instance, to permit one applicant to collect without limit, while another of the same age, but possessed of less funds, or "influence", or supposed prominence, should be restricted to "two sets each of non-game birds". While the language of the statute is permissive in saying that "certificates *may be granted*", it is exceedingly doubtful whether any court would uphold you in denying a certificate to *any* "properly accredited person" while you were issuing such to others. If, however, it should seem, for economic reasons, desirable to restrict the total number of licenses (a situation which is quite unlikely to arise with the present trend of events), it would be fair to impose restrictions upon younger and presumably less serious collectors, upon stated terms of equality for that age. It would be no essential hardship, for instance, to require a boy of twelve to confine himself to a single set of eggs of each species per season. By the time he is eighteen

he will either have dropped his boyish fad, or else have demonstrated his fitness to collect without limit other than that imposed by the general condition of all licenses.

Similarly, and with all due respect, it seems to me that the Commission has no right, either moral or legal, to restrict the collection of the eggs of game birds within limits narrower than that of the total lawful kill of a sportsman for a season. I do not shoot Valley Quail myself, but is my lawful claim upon the quail population any less than that of my sportsman brother who shoots his little twenty per diem? See, that gives him a possible 610 in one season, does it not? Well, I take a couple of sets of twelve eggs each for my annual portion (raise 'em on my own place too). Upon what moral grounds shall I be reprovved and my brother commended? Moreover (and this is important), eggs are replaceable *the same season*; birds are not.

This is a tender subject for discussion, I know; but I am sure that our sportsman friends, those who practically have both the enactment and enforcement of all game laws in their hands, will want to be fair with us. Sport in the open begets a spirit of fairness, does it not?

Truth to tell, science needs especial encouragement at this time. By "science" I do not, of course, mean egg-collecting as a fad, as a mere instance of the working of the acquisitive instinct; but I mean that knowledge and power, and that love of the truth, which comes of first-hand contact with nature out-of-doors, and of attentive familiarity with her objects indoors. The aspirations and operations of zoological science have suffered not a little, of late, from repression, from sentimental jealousies, and from the constrictions of official red tape. This has begotten a contemptuous disregard of law on the part of those who have known better days, and an avoidance of this entire field of effort on the part of the younger generation. Both of these results are deplorable; and it may be your happy task, by your fairmindedness and sympathy and by your prompt consideration of all applications, to bring about a better understanding between lawfully constituted authority and scientific initiative. There is sad lack of such understanding today. Not half of the oölogical collecting now being done in America is done under license; and the knowledge of this fact on the part of the conscientious element among collectors themselves, together with a knowledge of the red-tape and picayune surveillance exercised over the *most* conscientious, has embittered the whole situation. As an example

I may cite the fact that the writer in applying, late in the season, for a license to collect in the State of Ohio in the season of 1909, found that there was only *one* other application in. Yet anyone who knows the average situation in the East, would wager there were a thousand collectors, from schoolboys up, taking unlicensed toll of the birds at that very time. That is a very modest estimate, for it gives only one collector for each 4700 of population in Ohio. That the situation may be somewhat nearly the same in California, I leave to your own imagination.

Another obstacle to a complete understanding between collectors and the Commissioners, lies in the ambiguity of the phrase "scientific purposes". It has been assumed by certain officials, entirely without warrant, that scientists do not use money, or that science is merely a pastime instead of (occasionally and happily) a profession. This bald assumption that the use of money is unscientific, and that a monetary consideration in the exchange of the objects of science is unscientific and therefore unlawful, has brought the whole mechanism of scientific exchange as well as scientific acquisition and quest to a standstill. Either that, or it has plunged its participants into a fogbank of hypocrisies and deceptions. The situation is impossible. Why, even preachers, who dispense a "free" gospel, must "live of the gospel", "for as the Scripture saith, thou shalt not muzzle the ox that treadeth out the corn". The transfer of a scientific specimen from one cabinet to a better one is of most distinct benefit to science, if both parties to the transaction are scientists and know what they are handling. The "consideration" may have been a return in kind, or cash, according to the exigencies of scientist number one. The transaction is no less scientific, or for less "strictly scientific purposes", if a scientist knowing what he wants and approximately where to get it, commissions party number one, who may be a scientist or a farmer or a sailor, to get it for him, and pays him for his time or for the job. The thing is done every day and is done in high places, and it *is* scientific in its results. That these transactions sometimes take place under the frown of the law or under its (*supposed*) prohibition is only evidence of the wretched tangle into which we have got ourselves. Now I propose to have this whole matter cleared up. At least I propose that we see justice done, and not sit idly by while all public museums and wealthy collectors buy what impecunious

collectors are forbidden (by assumption and common report) to sell.

I know that this, too, is a very tender subject. I know that the assumption aforesaid (worked to a finish here in California) has had a salutary influence in restraining the operations of unprincipled collectors (*not* scientists) who were out for the coin. These collectors, precisely because they were not scientists, have sold their wares to "egg-hogs", have made incorrect or haphazard identifications, or have handled faked data. The day of the commercial collector is happily past; but did we not do evil that good might come? And has not Science, legitimate, simon-pure, high-minded Science, suffered immeasurable injury thereby? Ask any man who is trying to build up an important collection.

Now what I propose is this: First, that Science be removed from under the ban of this official bluff and be allowed to pursue its legitimate course in such ways as it deems fit. Second, that in return for the release (which could surely be enforced if the thing came to a legal test), and as a condition of its free concession, that the Fish and Game Commission, or, more explicitly, your office, be taken into fullest confidence in all matters involving proposed exchange for a cash consideration. Upon this basis you would be allowed to pass upon the wisdom of such exchange in accordance with certain specified rules, and these rules would have in mind the authenticity of the material, the scientific standing of the parties concerned, and the just claims of conservation. In this way a widow might be able to realize on the oölogical collection which some ardent, but improvident scientific husband has left her as a sole legacy; the Museum of Vertebrate Zoology might be able to purchase some choice material from an impecunious collector who on these conditions alone could spare his prizes and bless himself with more; and the plain collector could afford to back up some honest swain who thinks he has found a gollapoose's nest and must take a day off during harvest if he is to get it for you. These things are done every season, and in my opinion they are lawfully done; but it seems to me it would be a little nicer if the Commission knew all about it.

In considering the just limitation imposed by the conservation interest upon the activities of the collector, I beg to remind you that the destructive effects of egg-collecting have been enormously over-rated, and that nature's recuperative powers have been wil-

fully underestimated. Save in the vicinity of the large cities and in the case of certain rare species, upon which hostile attention may be focussed by very reason of their rarity, the economic status of bird-life in California would not be visibly affected were there ten times the present number of licensed collectors. A thousand such collectors working diligently throughout the season would not exact a toll upon bird-life one per centum as great as that now being sacrificed annually to the activities of the California Jay. If every collector killed ten Jays per season, his own oölogical activities would be more than compensated thereby.

Moreover, Nature has already made liberal allowances for wasted effort in reproduction. "Try again" is the rule rather than the exception throughout this realm. I once knew of a Western Bluebird (not on my own premises) which, in attempting to raise a family where its presence was not welcome, provided six successive nests of six eggs each in one season. This year I noted two Blue Jays which built new nests and completed second sets of five eggs each within thirteen days after being deprived of their first clutches. A Shrike under similar circumstances showed up with a nest of five eggs on the tenth day after being robbed. These facts are not such as to elicit tears from well-balanced natures.

But there are unquestionably certain species of birds whose existence is threatened not alone by wanton gunfire, but by the collector. In endeavoring to protect such species the Commission has already adopted an enlightened policy of restriction. The specific reservations made have been just ones, and all that remains to do is to enforce this policy rigorously. I am sorry to say that collectors themselves have not always been fair in the observance of these requirements. In particular, I happen to know that the Golden Eagle is being robbed unmercifully, and that there has been a strong decline in its numbers and an attendant failure to breed within recent years. Collectors are not solely at fault, for every wastrel with a gun assaults these splendid birds. Yet, at the risk of regrettable "red tape", I would exact from every party applying for a re-issue of the license an *affidavit* that he had not molested any of the contraband species.

When (if ever) certain of these species had sufficiently recovered, I would grant permission to each collector to take, in person, one, and only one, set of such species, in order that his collection might be complete.

In like manner I believe that there are many other species which require partial protection, and I think that such restriction would be decently observed, if the collector were allowed to take just one set of such species. I would respectfully recommend that the following species be now placed in such a category.

American Egret
Snowy Egret
White-faced Glossy Ibis
Redhead
Canada Goose
California Black Rail
Black Oystercatcher
Least Tern

In conclusion, allow me to say just a word in defense of egg-collecting itself. There is, of course, no use in pulling a long face about it and trying to cover up the fun under a smudge of Latinity. The egg-collector is out for a good time, just as the sportsman is, or the camerist, or the opera-glass naturalist (may his, or her, tribe increase!). But because the pursuit of certain ends is fascinating or enjoyable in itself, it does not necessarily follow that those ends are frivolous. Even though we grant that some egg-collectors have looked upon their trophies much as they might upon so many buttons or marbles or medals, it still remains true that oölogy has been the wet-nurse of ornithologists. Her stimulations, her youthful ardors, her ecstasies, her revelations, her hard-won trophies, have given us such men as Newton, Coues, Baird, Merriam, and Ridgway, all peers of the realm in Science; besides an innumerable host of honored names, Nelson, Bendire, Goss, Brewster, Fisher, Grinnell, Mailliard, Dresser, Rothschild, Sclater, Hume, Seebohm, Tristram,—to mention only a few at haphazard. These men fed on birds' eggs, and howsoever they may have turned to other meat in later years, they owe the very fashion of their scientific manhood to such youthful fare. That the younger ranks of ornithology are deplorably thin at present is due, I solemnly believe, in large measure to the diffusion of a deadly gas, a compound of misapprehension, intolerance, and suspicion, which has choked the avenues of youth's wholesome activities.

Moreover, the real task of oölogy is only well begun. Extensive material has been assembled, but we have only begun to realize that in the egg, as measured by its external characters, we have the most stable, or conservative, element in the interpretation of the ancestral history of the bird. In comparative oölogy we have a sharp, a still almost unused, instrument of attack in the

dissecting out of tangled phylogenetic relationships. Indeed, it is scarcely too much to say that if all birds were destroyed, and we had their eggs at hand, we could make a passable reconstruction of their phylogenetic tree. Instead of being a school-boy's fancy, Oölogy is a science, as well prepared to give account of herself as is geology or archaeology or ballistics. That you are in a position to do Science a good turn, and that without prejudice to any other human interest, is my firm conviction. I congratulate you, and I congratulate Californian ornithology.

Cordially yours,

W. LEON DAWSON.

Santa Barbara, California, June 11, 1915.

MINUTES OF COOPER CLUB MEETINGS

SOUTHERN DIVISION

JUNE.—The regular meeting of the Southern Division was held at the Museum of History, Science and Art, Thursday evening, June 24, 1915, with President Law in the chair, and the following members present: Mrs. Husher, and Messrs. Brown, Chambers, Colburn, Daggett, Edwards, Hegner, Holland, Howell, Rich, Swarth, Wood, and Wyman. Visitors in attendance were: Mrs. Law, Mrs. Wood, and Mr. Ralph Benton.

The minutes of the May meeting were read and approved. One new member was elected, Mr. R. D. Lusk, of Winkelman, Arizona. New names presented were: Miss Nellie Moore, Long Beach, and Miss Laura I. Dodge, Long Beach, both proposed by C. B. Linton; Mrs. J. E. Law, Hollywood, by F. S. Daggett; Ralph Benton, Los Angeles, by W. Lee Chambers; Lance H. Smith, Palo Alto, by Joseph Mailliard; E. A. White, Santa Paula, by H. F. Duprey; F. W. Henshaw, San Francisco, by J. Grinnell; Mrs. Mary Van E. Ferguson, Berkeley, by Mrs. James T. Allen.

A communication was read, received from the Secretary of the Pacific Division, American Association for the Advancement of Science, asking that two members of the Cooper Club be delegated as representatives of the Club upon the Affiliation Committee of the Pacific Division. Mr. Law was selected to act for the Southern Division, together with whomever might be chosen from the Northern Division.

Mr. Colburn exhibited a series of photographs taken on a recent trip to the Coronado Islands, and Mr. Hegner showed photographs of birds and nests taken in the

vicinity of Los Angeles. Mr. H. A. Edwards outlined a plan for placing signs relative to bird protection at the several camps and resorts in the nearby mountains. He exhibited a sample signboard, and asked the Club for its support in carrying out the project. The plan was strongly endorsed by those present, and a discussion followed as to the best way of forwarding the work. Adjourned.—H. S. SWARTH, *Secretary*.

JULY.—The regular monthly meeting was held at the Museum of History, Science and Art, Thursday evening, July 29, 1915. President Law was in the chair, and the following members were present: Mrs. Husher, Mrs. Law, and Messrs. Brown, Colburn, Daggett, Holland, Nokes, Rich, Robertson, and Swarth. Mr. Wade E. Enoch was a visitor.

The minutes of the June meeting were read and approved. New members were elected as follows: Mrs. Mary Van E. Ferguson, F. W. Henshaw, E. A. White, L. H. Smith, Ralph Benton, Mrs. J. E. Law, Miss Laura I. Dodge, and Miss Nellie Moore. New names presented for membership were: S. D. Moles, Claremont, California, proposed by W. P. Taylor, and Wade L. Enoch, Tropic, California, proposed by W. Lee Chambers.

The following proposal for honorary membership was then read, and favorably acted upon by unanimous vote of those present:

To the Cooper Ornithological Club:

We, the undersigned active members, propose for honorary membership in the Cooper Ornithological Club, Mr. Henry W. Henshaw, Chief of the Bureau of Biological Survey, Washington, D. C. We believe that this recognition of Mr. Henshaw's long service to ornithology is wholly merited. He is one of the oldest living pioneer ornithologists of the west. His field work, and publications based thereon, which appeared in the seventies, remain standards of accurate accomplishment. Some of the areas explored by Mr. Henshaw have never been reported upon ornithologically since. Because of his identification with the development of western ornithology, and because of his continued activity, undiminished at the present time, we believe him to be a proper candidate for honorary membership.

Respectfully submitted,
(Signed)

J. Grinnell,
W. Lee Chambers,
Frank S. Daggett,
Harry S. Swarth.

July 15, 1915.

Dr. Nokes exhibited a skin of the Scissor-tailed Flycatcher recently collected by himself in Los Angeles County. Some discussion followed as to possible ways for the bird to have wandered such a distance from its normal range. Adjourned.—H. S. SWARTH, *Secretary*.